REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 11, 2008. Upon entry of the amendments in this response, claim 1 remains pending. In particular, Applicant amends claim 1 and withdraws 2 – 8 and 22 – 26. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Election/Restrictions

The Office Action appears to indicate that claims 2 – 8 and 22 – 26 are species of a generic claim 1. Accordingly, Applicant withdraws claims 2 – 8 and 22 – 26 with the understanding that, upon allowance of claim 1, dependent claims 2 – 8 and 22 – 26 will be considered.

II. Rejections Under 35 U.S.C. §112

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Office Action first alleges that the phrase "an attractant configured to…" is unclear, appearing to argue that an attractant can have "different figures" (OA page 3, paragraph 3). Applicant amends claim 1 to now recite "an attractant adapted to…" Applicant respectfully submits that, as clearly evident to one of ordinary skill in the art, the attractant may be adapted (or configured) to entice a target wild animal by including a substance that is desirable to the wild animal. As the skilled artisan would undoubtedly recognize, upon reading the present application, any such substance may be an attractant, including, but not limited to food that is within the diet of the target animal, waste of another animal, *etc.*

Second, the Office Action argues that it is "unclear how the trigger is 'configured' and how different figures would entice different animals" (OA page 3, paragraph 3). Applicant

amends this portion of the claim to recite "adapted to." Additionally, as one of ordinary skill in the art, upon reading the present application, would undoubtedly recognize, a trigger may be adapted (or configured) to dissolve in an environment having a predetermined pH by using basic chemical knowledge, which includes, but is not limited to the knowledge that metals may dissolve in acidic solutions (*e.g.,* solutions with a pH of 7 or less).

Third, the Office Action argues that it is "unclear how the attractant is configured to dissolve and how a ph is determined" (OA page 3, paragraph 4). As Applicant addressed this issue above, Applicant can only assume that the Office Action intends to discuss the "trigger" of claim 1. With regard to the trigger, as one of ordinary skill in the art would clearly understand, a trigger can be configured (or adapted) to dissolve in a solution by selecting the trigger that includes a chemical composition that reacts in solutions of a certain acidity or basicity. Further, "an environment having a predetermined pH" may be predetermined by selecting a solution with a known pH.

Fourth, the Office Action argues that it is allegedly unclear how the subduing agent is coupled to the trigger. FIG. 4 of the present application clearly illustrates an exemplary embodiment of how a subduing agent may be coupled to the trigger. More specifically, in some embodiments, the trigger may surround the subduing agent and may include a substance that dissolves in and acidic or basic solution, such that, when the trigger dissolves, the subduing agent may subdue the target wild anima. The Office Action further argues that it is unclear how the target wild animal is subdued. As a nonlimiting example, which is clearly disclosed in the present application, if the subduing agent is a blasting cap, when the trigger is activated (*e.g.,* dissolves), the blasting cap will explode within the target wild animal. As one of ordinary skill in the art will readily comprehend, the wild animal may be subdued in this manner. Other embodiments of subduing agents may subdue the target wild animal as clearly disclosed in the specification.

As indicated above, the present application clearly discloses the questioned portions of claim 1 such that one of ordinary skill in the art, upon reading the present application, would clearly understand the metes and bounds of claim 1. For at least these reasons, Applicant respectfully traverses this rejection of claim 1 and submits that claim 1 is allowable.

III. Claim 1 is Allowable Over *Fajt*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent Number 5,674,518 ("*Fajt*"). Applicant respectfully traverses this rejection on the grounds that *Fajt* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

> A wild animal control apparatus, comprising:
> an attractant adapted to entice a target wild animal to consume the wild animal control apparatus;
> ***a trigger covered by a portion of the attractant, the trigger adapted to dissolve in an environment having a predetermined pH***; and
> a subduing agent coupled to the trigger, the subduing agent adapted to subdue the wild animal that consumes the wild animal control apparatus ***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***.
> ***(Emphasis added)***

Applicant respectfully submits that claim 1 is allowable for at least the reason that *Fajt* fails to disclose, teach, or suggest a "wild animal control apparatus, comprising… ***a trigger covered by a portion of the attractant, the trigger adapted to dissolve in an environment having a predetermined pH***… [and] a subduing agent coupled to the trigger, the subduing agent adapted to subdue the wild animal that consumes the wild animal control apparatus ***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***" as recited in claim 1. More specifically, *Fajt* discloses "antacids increase the effectiveness of the phthalates [poison]" (column 3 line 56). As clearly disclosed in this

passage, *Fajt* discloses using a poison with a basic pH to dissolve stomach acid of fish for aiding the poison in killing the fish. In no way does *Fajt* even attempt to suggest a trigger, not to mention a "***trigger adapted to dissolve in an environment having a predetermined pH***." Similarly, for at least the reason that *Fajt* fails to even suggest a trigger, *Fajt* also fails to disclose or suggest that "***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***" as recited in claim 1. Consequently, for at least the reason that *Fajt* fails to disclose or even suggest multiple portions of claim 1, the 35 U.S.C. §102 and the 35 U.S.C. §103 rejections are both improper. For at least these reasons, claim 1 is allowable.

IV. Claim 1 is Allowable Over *Shulyer*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 2,957,804 ("*Shulyer*"). Applicant respectfully traverses this rejection for at least the reason that *Shulyer* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A wild animal control apparatus, comprising:
> an attractant adapted to entice a target wild animal to consume the wild animal control apparatus;
> ***a trigger covered by a portion of the attractant, the trigger adapted to dissolve in an environment having a predetermined pH***; and
> a subduing agent coupled to the trigger, the subduing agent adapted to subdue the wild animal that consumes the wild animal control apparatus ***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***.
> ***(Emphasis added)***

Applicant respectfully submit that claim 1 is allowable over *Shulyer* for at least the reason that *Shulyer* fails to disclose, teach, or suggest a "wild animal control apparatus, comprising… ***a trigger covered by a portion of the attractant, the trigger adapted to***

dissolve in an environment having a predetermined pH… [and] a subduing agent coupled to the trigger, the subduing agent adapted to subdue the wild animal that consumes the wild animal control apparatus ***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***" as recited in claim 1. More specifically, *Shulyer* discloses "provid[ing] a pesticide including an emetic coating over the poisonous principle, wherein an intermediate enteric coating is disposed between the emetic and the poison, so that the poison will always pass into the intestine before the killing effect takes place" (column 4, line 66). As clearly evident in this passage, *Shulyer* discloses a coating that will not dissolve in a predetermined pH, but instead, will "always pass into the intestine before the killing effect takes place." Accordingly, not only does *Shulyer* fail to even suggest these elements of claim 1, but *Shulyer* teaches away from "***a trigger covered by a portion of the attractant, the trigger adapted to dissolve in an environment having a predetermined pH***… [and] a subduing agent coupled to the trigger, the subduing agent adapted to subdue the wild animal that consumes the wild animal control apparatus ***once fluids in the digestive system of the wild animal having the predetermined pH cause the trigger to dissolve, wherein the subduing agent is activated and the wild animal is subdued***" as recited in claim 1. Consequently, *Shulyer* should be disqualified as a reference against claim 1. For at least these reasons, claim 1 is allowable.

V. New Claims 27 – 28 are Allowable

Additionally, Applicants add new claims 27 and 28. New claim 27 is allowable for at least the reason that the cited art fails to disclose, teach, or suggest "a trigger device that contains the energy release device, the trigger device utilized such that when the wild animal consumes the meat and energy release device, stomach acids of the wild animal that are in the range of 0.5 – 2.5 pH chemically react with the trigger device to dissolve the trigger device, wherein upon dissolving the trigger device, the energy release device releases energy within the wild animal to subdue the wild animal" as recited in claim 27. Claim 28 is allowable as a matter of law for at least the reason that this claim depends from allowable independent claim 27.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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